REMARKS

Status of the Claims

Claims 1-12 and 19-35 are pending

Claims 1-12 and 19-35 currently stand rejected.

I. Amendments

Claims 27 and 32 have been amended to more particularly point out what the applicant considers their invention. The amendments to claims 27 and 32 are supported throughout the specification. The amended claims do not contain any new matter.

II. Claim Objections

Claim 32 is objected to for lacking a period at the end of the claim. Claim 32 has been amended to introduce a period. Applicant's respectfully requests removal of the objection of claim 32.

III. Claim Rejections under 35 U.S.C. 112

Claims 27 is rejected under 35 U.S.C. 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claim 27 is amended to

include the term ``diameter'' to more particularly point out what the Applicants consider their invention. The amendment to claim 27 is supported by the specification. Applicants respectfully requests reconsideration and removal of the rejection in light of the amendment of claim 27.

III. Claim rejections under 35 U.S.C. 103

Claims 1-12 and 19-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lutz et al. (USPN 6,475,104) for disclosing a thread winding layer disposed over a center. Applicants respectfully traverse the rejection. The Lutz et al patent does not anticipate, nor does it claim the Applicants' claimed invention. Lutz et al issued on November 5, 2002, which is after the Applicants' filing date of July 27, 2001 and thus no statutory bar exists.

Applicants enclose a Rule 131 declaration by Sanjay Kuttappa providing evidence that the actual reduction to practice of the Applicants' claimed invention was before February 4, 2000 the effective 102(e) date of the Lutz patent. Mr. Kuttappa has intimate knowledge of the claims and subject matter as one of the named inventors. Mr. Kuttuppa's declaration including one page exhibit provides sufficient proof of an actual reduction to practice of the claimed invention prior to the filing date of Lutz. This effectively removes the Lutz et al patent from consideration

as prior art because the Applicants' actual reduction to practice was before the effective 102(e) date of the Lutz et al patent.

Therefore in light of the evidence provided by Mr. Kuttappa's Rule 131 declaration the Applicants respectfully request removal of Lutz et al as prior art and the reconsideration and allowance of claims 1-12 and 19-22.

Claims 23-25, 27-28 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutz et al `104 in view of Kakiuchi et al (USPN 5,846,142). The rejection is now considered moot by the Applicants as discussed above in light of the enclosed Rule 131 affidavit from Mr. Kuttappa. This declaration should remove effectively the Lutz patent as a prior art reference.

Kakiuchi et al teaches the use of addition of only low gravity fillers to the threads as correctly stated by the examiner. Kakiuchi et al when considered singly fails to teach each and every required limitation of claims 23-25, 27-28 and 33. Thus a prima facie case of obviousness is not produced with the use of Kakiuchi et al alone. Applicants respectfully request reconsideration and removal of the obviousness rejection of claims 23-25, 27-28 and 33.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lutz et al `104 in view of Kakiuchi et al `142 further in view of Umezawa et al `885. As discussed above this rejection should be considered moot in light of

the enclosed Rule 131 affidavit from Mr. Kuttappa that should effectively remove Lutz et al from consideration as prior art. The remaining cited combination of Kakiuchi et al `142 with Umezawa et al `885, either singly or in combination fails to teach each and every element of claim 26. Applicants respectfully requests reconsideration and removal of the obviousness rejection of claim 26.

Claims 29-32 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutz et al `104 in view of Kakiuchi et al `142 and Applicants admission. Applicants disagree that any admissions have been made in the specification regarding the prior art as alleged by the examiner. Regardless of this point of contention, the rejection of claims 29-32 and 34-35 is moot in light of the enclosed Rule 131 affidavit from Mr. Kuttappa as discussed above that should remove the Lutz patent as a reference.

The Kakiuchi et al `142 patent does not disclose threads having high specific gravity fillers as properly stated by the examiner. The Kakiuchi et al `142 patent when used singly or when in combination with the Applicants' alleged admission fails to teach each and every required limitation of claims 29-32 and 34-35. Applicants respectfully request reconsideration and removal of the obviousness rejections of claims 29-32 and 34-35.

IV. Double Patenting Rejection

Claims 1-12 and 19-35 are rejected under obviousness type double patenting over claims 1-14 of US Patent No. 6,270,428. The Applicants respectfully request reconsideration and removal of this rejection because the `428 patent is directed toward the use of heavy fillers in the core or center of a thread wound ball and specifically NOT in the threads themselves. It is well founded in patent law that the claims of a patent must be interpreted in light of the specification. The examiners statement ``a center and a thread layer creating a core could be interpreted to mean that a heavy filler is found in a thread layer'' is contrary to the plain meaning of the claims and teaching of the specification of the `428 patent.

The inventions are not obvious or related other than both being directed towards a thread wound ball. The claims of the `428 patent and the instant inventions specification are not obvious since they are directed toward completely different inventions. Therefore the examiner's double patenting obviousness rejection is respectfully requested to be reconsidered in light of the completely contrary teachings of the `428 patent with respect to the applicants specification and claims.

V. Conclusion

The applicants respectfully request reconsideration and removal of all rejections of claims 1-12 and 19-35 that are clearly patentable over the prior art combinations.

Please feel free to call collect with any questions regarding this submission or any matters relating to this application.

Respectfully submitted,

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The undersigned hereby certifies that this paper along with any paper or document referred to therein as being attached or enclosed, is being deposited with the United States Postal Service to the Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450- This 22nd day of August, 2003.

Jeffrey D. Washville